

REMARKS/ARGUMENTS

Re-examination and favorable reconsideration in light of the above amendments and the following comments are respectfully requested.

Claims 14 - 25 and 28 are pending in the application. Currently, all claims stand rejected.

By the present amendment, claims 14, 15 and 21 have been amended and new claim 35 has been added to the application. Claim 22 has been cancelled without prejudice and incorporated into claim 21.

In the office action mailed June 21, 2007, claims 14 - 25 and 28 were rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 6,186,577 to Guckel et al.

The foregoing rejection is traversed by the instant response.

Independent claim 14 is directed to a lid assembly provided on a rear trunk of a convertible vehicle having a front, a rear and a longitudinal axis, and comprising a bodywork and a movable roof adapted to cover a passenger compartment of the vehicle in a first position and to uncover said passenger compartment in a second position, the lid assembly comprising: a lid which has a front edge and a rear edge, which is hinged relative to the bodywork of the vehicle and which is locked relative to said bodywork in a releasable manner, both in the vicinity of the front edge and the rear edge, by front and rear locking and hinge members, respectively, so as to be movable between a closed position and a first open position by pivoting from said front backwards about a rear axis, for allowing the roof to pass from said first position to said second position, and between said closed position and a second open position by pivoting from the rear forwards about a front axis, for a rear access to the rear trunk, and control means adapted to open the lid from both

said front backwards and rear forwards, and to close the lid, the control means comprising at least one articulated arm which is movable and operated between a retracted position in which the lid is in its closed position and a first deployed position in which the lid is in its first open position, for having said lid pivoted about said rear axis, wherein said at least one articulated arm is further movable and operated between said retracted position and a second deployed position in which the lid is in its second open position further to a pivoting of said lid about said front axis, so that said deployment of said at least one articulated arm from the retracted position to said second deployed position operates the pivoting of the lid from the rear forwards, about said front axis, wherein the front locking and hinge members are dissociated from said at least one articulated arm, and wherein, through said front locking and hinge members, the lid is directly articulated on the bodywork of the vehicle.

A review of the Guckel et al. patent relied upon by the Examiner shows that it does not anticipate all of the elements set forth in independent claim 14. In particular, claim 14 calls for the at least one articulated arm to be further movable and operated between the retracted position and a second deployed position in which the lid is in its second open position further to a pivoting of the lid about the front axis, so that the deployment of the at least one articulated arm from the retracted position to the second deployed position operates the pivoting of the lid from the rear forwards, about the front axis. Gluckel et al. lacks any disclosure that the arm 7 is further movable and operated between a retracted position and a second deployed position in which the lid is in its second open position **further** to a pivoting of the lid about the front axis. The Examiner can not point to a single sentence in Gluckel et

al. which discloses this claimed subject matter. It is well settled law that in order to anticipate a claim, the reference must explain the claimed subject matter in a way which makes it clear to one of ordinary skill in the art that such subject matter is in the prior art reference. It is also well settled that an anticipation rejection may not be based on conjecture by the Examiner. Thus, Gluckel et al. does not anticipate this limitation in claim 1.

Claim 14 is further allowable because Gluckel et al. does not meet the limitation that "the front locking and hinge members are dissociated from the at least one articulated arm." In Gluckel, there is no disclosure of front locking and hinge members. Further, the articulated arm (7) is not dissociated from the front locking member (12, 13) since there is a link (2) between the hood (1) and the arm (4a) and the locking element (12) is arranged on the partial arm (4a). See column 2, lines 54 - 59, and column 3, lines 7 - 10 of Gluckel et al.

Still further, claim 14 is allowable because Gluckel et al. does not meet the limitation "through the front locking and hinge members, the lid is directly articulated on the body work of the vehicle." Gluckel et al. lacks the claimed front locking and hinge members. In Gluckel, the lid (hood 11) is articulated by a guiding linkage 2 on a partial arm 4a of a lateral auxiliary frame 4. Said "frame" is not the body work of the vehicle. The connection of the lid (hood 11) to the body work is indirect, since it operates through said partial arm 4a which is provided with the front locking element 12 which cooperates with a front locking member 13 "at last" arranged on the vehicle body work (See column 2, lines 54 - 59, and column 3, lines 9 - 10 of Gluckel et al). Claims 15 - 25 and 28 are allowable for the same reasons as claim 14 as well as on their own accord.

Claim 16 is further allowable because this claim calls for the at least one articulated arm to be articulated on (emphasis added) the lid about a first axis which is spaced apart from the front axis. With respect to this feature, figures 3 and 4 in Gluckel et al. clearly show that this limitation is not met by Gluckel et al. The at least one articulated arm (7) is not articulated on the lid about a first axis which is spaced apart from the front axis. It is articulated **relative to** the lid (hood 1) by a first axis (3) which is the front axis.

New independent claim 35 is allowable over Gluckel et al. for the same reasons discussed above. Claim 35 is allowable because Gluckel et al. does not disclose the at least one articulated arm being articulated on the lid about an axis which is spaced apart from the front axis. Claim 35 is also allowable because the claim calls for the control means to include an actuator which is directly connected to the at least one articulated arm between its two ends. Gluckel has an actuator which is connected to the at least one articulated arm (7) via a link (4b) attached to an end of the at least one articulated arm.

For the foregoing reasons, the instant application is believed to be in condition for allowance. Such allowance is respectfully solicited.

The instant amendment should be entered since it places the case in condition for allowance and does not require further consideration and/or search on the part of the Examiner. Still further, it does not raise any issue of new matter.

A notice of appeal is enclosed herewith along with a check in the amount of \$500.00 to cover the cost of the notice of appeal fee.

Should the Examiner believe an additional amendment is needed to place the case in condition for allowance, he is

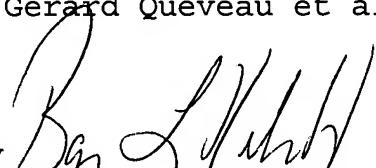
invited to contact Applicants' attorney at the telephone number listed below.

Should the Director determine that an additional fee is required, he is hereby authorized to charge said fee to Deposit Account No. 02-0184.

Respectfully submitted,

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I, Antoinette Sullo, hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: "Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313" on September 21, 2007.

